

January 7, 2022

**VIA ELECTRONIC MAIL**

Luly E. Massaro, Division Clerk  
Rhode Island Division of Public Utilities and Carriers  
89 Jefferson Boulevard  
Warwick, RI 02888

**RE: Docket D-21-09 – Petition of PPL Corporation, PPL Rhode Island Holdings, LLC, National Grid USA, and The Narragansett Electric Company for Authority to Transfer Ownership of The Narragansett Electric Company to PPL Rhode Island Holdings, LLC and Related Approvals**  
**National Grid Responses to Record Requests 2 and 3**

Dear Ms. Massaro:

On behalf of National Grid USA and The Narragansett Electric Company (together, “National Grid”), enclosed are National Grid’s responses to Record Request 2 and Record Request 3 issued during the Rhode Island Division of Public Utilities and Carriers’ (“Division”) evidentiary hearing held on December 14, 2021 in the above-referenced proceeding.<sup>1</sup>

This filing also contains a Motion for Protective Treatment of Confidential Information in accordance with 815-RICR-00-00-1.3(D)(3) of the Division’s Rules of Practice and R.I. Gen. Laws §§ 38-2-2(4)(B). National Grid seeks protection from public disclosure of confidential and privileged information contained in its response to Record Request 3. In compliance with Rule 1.3(D)(3), National Grid is providing the Division with one complete, unredacted copy of the confidential response in a sealed envelope marked “**Contains Privileged and Confidential Materials – Do Not Release.**”

Thank you for your attention to this matter. If you have any questions, please contact me at 401-784-7288.

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<sup>1</sup> Although this is a Division filing, consistent with Public Utilities Commission’s filing requirements during the COVID-19 emergency period, National Grid is submitting an electronic version of this filing. National Grid will provide the Division Clerk with five hard copies within 24 hours and, if needed, additional hard copies of the enclosures upon request.

Luly E. Massaro, Division Clerk  
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Very truly yours,

A handwritten signature in blue ink, appearing to read "Jennifer Brooks Hutchinson", with a long horizontal flourish extending to the right.

**Jennifer Brooks Hutchinson**

Enclosures

cc: Docket D-21-09 Service List (electronic only)  
John Bell, Division  
Leo Wold, Esq.  
Christy Hetherington, Esq.  
Scott H. Strauss, Esq. (electronic only)  
Latif M. Nurani, Esq. (electronic only)  
Amber L. Martin Stone, Esq. (electronic only)  
Anree G. Little, Esq. (electronic only)



Request 3 to National Grid. Record Request 3 requests the identity of all Narragansett and/or National Grid USA employees who are currently responsible for administering the Energy Efficiency and Least Cost Procurement programs that will be conveying to PPL. National Grid's response submitted on January 7, 2022 contains the names of certain employees who have accepted offers of employment with PPL Corporation ("PPL") if the Transaction is approved, the production of which would be an unwarranted invasion of the personal privacy for those employees and information that ordinarily is not provided to the public. As such, National Grid has redacted the individual employees names that have not previously been disclosed because information on future employees ordinarily is not provided to the public.<sup>1</sup>

Therefore, National Grid requests that, pursuant to Rule 1.3(D), the Division afford protective treatment to the names of the employees who have accepted offers of employment with PPL and will convey to PPL if the Transaction is approved.

## **II. LEGAL STANDARD**

Rule 1.3(D)(1) of the Division's Rules of Practice and Procedure provides that access to public records shall be granted in accordance with the Access to Public Records Act ("APRA"), R.I. Gen. Laws § 38-2-1, et seq. Under the APRA, all documents and materials submitted in connection with the transaction of official business by an agency are deemed to be part of the "public record," unless the information contained in such documents and materials falls within one of the exceptions specifically identified in R.I. Gen. Laws § 38-2-2(4). To the extent that information provided to the Division falls within one of the designated exceptions to the public

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<sup>1</sup> National Grid is providing confidential unredacted copies of its response to Record Request 3 to the following parties, with which it has a nondisclosure agreement in place: the Division Advocacy Section, the Rhode Island Attorney General, the Rhode Island Office of Energy Resources, the Conservation Law Foundation, and Green Energy Consumers Alliance.

records law, the Division has the authority under the terms of the APRA to deem such information as confidential and to protect that information from public disclosure.

R.I. Gen. Laws § 38-2-2(4)(A)(I)(b) provides for the protection of “personnel . . . records . . . the disclosure of which would constitute a clearly unwarranted invasion of personal privacy pursuant to 5 U.S.C. § 552, *et seq.*” 5 U.S.C. § 552(b)(6) similarly provides an exception for “personnel . . . and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.”

Moreover, “even if a document does not fall into one of these categories, it is still incumbent upon the public body to exempt a record from public disclosure if the individual’s privacy interests outweigh the public’s interest in disclosure.” Advisory Opinion, ADV PR 03-01, 2003 WL 24172741 (R.I.A.G. May 7, 2003), citing Providence Journal v. Kane, 577 A.2d 661, 663-64 (R.I. 1990).

In addition, “[u]pon motion by a party from whom discovery is sought and for good cause shown, the hearing officer may make an order when justice requires to protect the party from unreasonable annoyance, embarrassment, oppression, burden or expense or from disclosure of confidential business and financial information.” Rule 21(E).

### **III. BASIS FOR CONFIDENTIAL TREATMENT**

The employee names contained in National Grid’s response to Record Request 3 should be protected from public disclosure. The individual names of employees who have accepted offers of employment from PPL to convey if the Transaction is approved constitutes personnel records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy pursuant to R.I. Gen. Laws § 38-2-2(4)(A)(I)(b). The individuals listed in the response to Record Request 3 who have not already specifically been publicly identified have a reasonable

expectation of privacy to the fact that they have been made and accepted offers of employment with PPL in the future, if and when the Transaction closes. These employees have not yet transferred their employment, because the Transaction has not yet closed. At this stage, the information is premature and ordinarily would not be made public.

At a minimum, the privacy interests of the individuals outweighs the public's interest in disclosure based on the circumstances, so their identities should be exempt from public disclosure. Moreover, justice requires the protection of these individuals, who have not yet conveyed to PPL, from unreasonable annoyance or embarrassment of being publicly identified.

Accordingly, National Grid is providing its response to Record Request 3 on a voluntary basis to assist the Division with its decision-making in this proceeding, but respectfully requests that the Division provide protective treatment to the names of the employees who have accepted offers of employment with PPL and will convey to PPL if the Transaction is approved.

### **III. CONCLUSION**

For the foregoing reasons, National Grid respectfully requests that the Division grant its Motion for Protective Treatment of Confidential Information.

Respectfully submitted,

**NATIONAL GRID USA and  
THE NARRAGANSETT ELECTRIC  
COMPANY,**

By their attorneys,



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Cheryl M. Kimball, Esq.  
Robert J. Humm, Esq.  
Keegan Werlin LLP  
99 High Street, Ste. 2900  
Boston, Massachusetts 02110  
(617) 951-1400



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Jennifer Brooks Hutchinson, Esq.  
Senior Counsel  
National Grid  
280 Melrose Street  
Providence, RI 02907  
Tel.: (401) 784-7288

Dated: January 7, 2022

**National Grid USA and The Narragansett Electric Company**  
**Record Request 2**

**Request:**

Please provide a list of the existing Narragansett rate mechanisms that continue to function during the stay out period.

**Response:**

National Grid USA and The Narragansett Electric Company (“Narragansett”) interpret this request to ask for a list of existing rate (i.e., reconciling) mechanisms, which, pursuant to Narragansett’s various tariffs, require filings with the Rhode Island Public Utilities Commission (“PUC”) to request approval for a change in rates, factors, charges, or surcharges that operate independently from Narragansett’s base distribution rates for its electric and gas operations.

Please see Attachment Record Request 2 for a list of Narragansett’s existing electric and gas reconciling and other mechanisms that will continue after the transaction closes and during a stay out period, unless otherwise altered by the PUC.



<b>Table 1</b>	
<b>ELECTRIC RECONCILING MECHANISMS</b>	
Reconciling Mechanism	Costs Recovered/Value Credited
Last Resort Service	Electric Commodity Costs (Energy, Capacity, Ancillary Services)
Last Resort Service Administrative Cost Recovery	Administrative Costs of Providing Last Resort Service (Bad Debt, Cash Working Capital, Generation Information System, Disclosure Labels, Labor for Energy Procurement Staff)
Transmission Service Cost Adjustment Mechanism	Transmission Costs Billed by Wholesale Transmission Service Providers
Nonbypassable Transition Charge Recovery	Stranded Generation Cost from the Restructuring of the Electric Industry in Rhode Island
Revenue Decoupling Mechanism	Full Revenue Decoupling for all Rate Classes
Energy Efficiency Fund Balance	Energy Efficiency Program
Pension Adjustment Mechanism	Pension/Post-retirement Benefits Other than Pensions ("PBOP") Expense in Excess of Base Distribution Rate Allowance
Service Quality Plan	Service Quality Penalties
Infrastructure, Safety, and Reliability ("ISR") Plan	ISR Plan Revenue Requirement and Operation and Maintenance ("O&M") Expense on Forecasted Plan Spending for Upcoming Year and Reconciliation Amount for the Prior Year
Low Income Home Energy Assistance Plan ("LIHEAP") Provision	LIHEAP Enhancement Credit for Customers Receiving LIHEAP Grants
Renewable Energy Standard Recovery	Renewable Energy Standard Compliance Costs Consisting of Purchase or Transfer Value of Renewable Energy Certificates and, if needed, Alternate Compliance Payments
Long-Term Contracting for Renewable Energy Resources Recovery	Long-Term Contracts and Distributed Generation Standard Contracts Costs Including Contract Payments, Certain Administrative Costs, Offset by Net Process of Market Products Proceeds (Energy, Environmental Attributes, Capacity)
Net Metering Recovery	Net Metering Credits Applied to Net Metering Customers' Bills in the Prior Year, Payments to Qualifying Facilities in the Prior Year, Net Proceeds from the Sale of Energy of Qualifying Facilities in the ISO-New England Market
Renewable Energy Growth Program Recovery	Renewable Energy Growth Program Costs Forecasted for the Program Year and Reconciliation Amount for the Prior Year
Residential Assistance Recovery Mechanism	Low Income Discount Estimated for the Upcoming Year and Reconciliation Amount from the Prior Year

<b>Table 1</b>	
<b>ELECTRIC RECONCILING MECHANISMS</b>	
<b>Reconciling Mechanism</b>	<b>Costs Recovered/Value Credited</b>
	Arrearage Management Program Arrears Forgiven Pursuant to Meeting Threshold Tests
Performance Incentive Mechanism Recovery	Performance Incentives Earned in the Prior Year
Storm Fund Replenishment Funding (1)	Storm Contingency Fund ("Storm Fund") funding in addition to base distribution rate funding to replenish the balance of the Storm Fund

(1) The Storm Fund Replenishment Funding does not require recurring filings with the Rhode Island Public Utilities Commission ("PUC") for changes in the Storm Fund Replenishment Factor ("SFRF") as the SFRF remains at its current level until a request for a change is submitted to the PUC for PUC approval. It is included on this list because the SFRF is a current component of The Narragansett Electric Company's ("Narragansett") overall rates billed to its electric customers, will continue into a stay out period, and is subject to change should Narragansett petition the PUC for a change in the SFRF.

<b>Table 2</b>	
<b>GAS RECONCILING MECHANISMS</b>	
<b>Reconciling Mechanism</b>	<b>Costs Recovered/Value Credited</b>
Gas Cost Recovery Mechanism	Gas Supply (Fixed (Demand) and Variable (Commodity)), Working Capital, Inventory Financing, Customers' Share of Natural Gas Procurement Management Program
	Gas Supply-Related Bad Debt
Revenue Decoupling Mechanism	Full Revenue Decoupling for all Rate Classes Except Large and Extra-Large
LIHEAP Enhancement Program	LIHEAP Enhancement Credit for Customers Receiving LIHEAP Grants
Energy Efficiency Fund Balance	Energy Efficiency Program
Distribution Adjustment Charge Mechanism	Amortization of Environmental Response Costs in Excess of Base Distribution Rate Allowance
	Pension/PBOP Expense in Excess of Base Distribution Rate Allowance
	Service Quality Penalties
	ISR Plan Revenue Requirement and O&M on Forecasted Plan Spending for Upcoming Year and Reconciliation Amount for the Prior Year
	Customers' Share of Excess Earnings
	System Pressure Costs Reallocated from the Gas Cost Recovery Mechanism
	Low Income Discount Estimated for the Upcoming Year and Reconciliation Amount from the Prior Year

<b>Table 2</b>	
<b>GAS RECONCILING MECHANISMS</b>	
<b>Reconciling Mechanism</b>	<b>Costs Recovered/Value Credited</b>
	Arrearage Management Program Arrears Forgiven Pursuant to Meeting Threshold Tests
	Storm Net Revenue Credit for Mutual Assistance Provided by Gas Employees

